

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>MARK ENGEL, an individual residing in the State of Oklahoma,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-23-311-G</b>
	)	
	)	
<b>UMB BANK, n.a., a foreign for-profit National Association, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Now before the Court is Plaintiff Mark Engel’s Motion to Strike (Doc. No. 14), seeking to strike certain exhibits attached in support of Defendants’ Response (Doc. No. 12) to Plaintiff’s motion to remand. Defendants have responded in opposition to the Motion (Doc. No. 15).

“There is no provision in the Federal Rules of Civil Procedure for motions to strike motions and memoranda; only motions to strike unsigned papers under Rule 11, third-party claims under Rule 14(a), and certain matters in pleadings under Rule 12(f) are contemplated by the Federal Rules of Civil Procedure. Motions and memoranda are not included within the definition of ‘pleading’ under [Federal Rule of Civil Procedure 7(a)].” *Searcy v. Soc. Sec. Admin.*, No. 91-4181, 1992 WL 43490, at \*2 (10th Cir. Mar. 2, 1992). “Generally, motions, briefs, and memoranda may not be attacked by a motion to strike.” *Bunn v. Perdue*, 966 F.3d 1094, 1099 (10th Cir. 2020) (omission and internal quotation marks omitted); *see also Allertein Therapeutics, LLC v. ARL Biopharma, Inc.*, No. CIV-

16-152-F, 2016 WL 11258179, at \*1-2 (W.D. Okla. Sept. 7, 2016). Further, the Court finds no compelling reason that the cited documents must be stricken from the record.

Accordingly, Plaintiff's Motion to Strike (Doc. No. 14) is DENIED.

IT IS SO ORDERED this 20th day of September 2024.

  
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CHARLES B. GOODWIN  
United States District Judge